

REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims and the total number of claims have not changed.

Request for Telephone Interview

Applicant kindly requests the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss a proposed replacement Declaration.

Amendment to the Claims

Claim 38 has been amended for clarity and to recite that the biological fluid flows from the mixing chamber to the precipitation through the channel in the interchamber partition. No new matter has been added to the claims by this Amendment.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 2-5, 7-16, 24, 25, and 27-38 under 35 U.S.C. §103 as being unpatentable over Kutushov, U.S. Patent 5,980,479, in view of Marka et al., U.S. Patent 5,934,888, is respectfully traversed.

The combined prior art references do not provide all limitations of Applicant's claimed invention. The combination does not provide or suggest the recited corrugated mixing chamber and precipitation chamber sharing a mutual wall and connected through a channel in the mutual wall, where the biological fluid flows from the mixing chamber to the precipitation through the channel in the mutual wall.

The Office Action notes that aspirator pumps like that of Marka et al. are well known. Both the claimed invention and such aspirator pumps use a corrugated body to allow for a pumping action, but the aspirator pump of Marka et al. does not operate in the same manner as Applicant's device. Unlike Applicant's claimed invention, the two chambers of the Marka et al. pump are separated by one-way valves 4. An amount of fluid only enters one chamber and never both chambers. Applying this function to the Kutushov device would not have provided Applicant's claimed invention, where the fluid flows through each chamber in the device.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of Claims 22 and 23 under 35 U.S.C. §103 as being unpatentable over Kutushov, U.S. Patent 5,980,479, in view of Marka et al., U.S. Patent 5,934,888, and further in view of Lundback, U.S. Patent 4,750,868, is respectfully traversed.

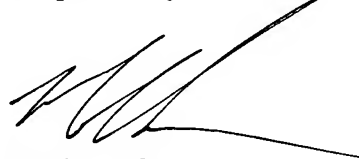
Claims 22 and 23 depend from Claim 38 and are thus patentable for at least the same reasons discussed above for Claim 38.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed or resolved in this response, Applicant's undersigned attorney again requests a telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MDS', with a long horizontal flourish extending to the right.

Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
(847) 490-1400
FAX (847) 490-1403